

AMENDED IN SENATE JUNE 6, 1996
AMENDED IN SENATE APRIL 22, 1996
AMENDED IN SENATE MARCH 21, 1996
AMENDED IN SENATE MARCH 11, 1996
AMENDED IN ASSEMBLY JANUARY 8, 1996
AMENDED IN ASSEMBLY JANUARY 3, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1724

Introduced by Assembly Member McPherson

February 24, 1995

An act to add and repeal Section 17748.5 of the Education Code, and to amend, add, and repeal Section 53097 of the Government Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1724, as amended, McPherson. School districts: regulation by cities and counties.

(1) Existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (Greene Act), provides a method for funding the purchase of schoolsites and the construction of school facilities. The Greene Act sets forth a method for computing the allowable building area for a school district to determine the amount of funding that a school district may apply to receive under the Greene Act.

This bill, for the purposes of receiving Greene Act funds, would require the site acreage of a new project for a school district, as determined pursuant to a specified regulation, to be increased by the area of the agricultural buffer setback for a schoolsite as described in (2). The bill would repeal these provisions on January 1, 2002.

(2) Existing law requires that the governing board of a school district comply with any city or county ordinance regulating drainage improvements and conditions, regulating road improvements and conditions, or requiring the review and approval of grading plans as the ordinances relate to the design and construction of onsite improvements which affect drainage, road conditions, or grading.

This bill further would require the governing board of a school district to comply with any city or county ordinance requiring an agricultural buffer setback for a schoolsite in an area designated as an agricultural use in the general plan if the city or county has consulted with the agricultural commissioner prior to adopting the ordinance. This bill would provide that this provision only applies to project applications filed or amended on or after January 1, 1997, pursuant to the Greene Act. The bill would repeal these provisions on January 1, 2002. By ~~adding this requirement on imposing these additional requirements~~ the governing board of a school district this bill would ~~impose~~ create a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 17748.5 is added to the Education Code, to read:

17748.5. (a) For the purpose of funding pursuant to this chapter, the board shall increase the site acreage determined for a new project for a school district pursuant to subdivision (a) of Section 14010 of Title 5 of the California Code of Regulations as that subdivision existed on January 1, 1997, by the area designated as an agricultural buffer setback, as described in paragraph (4) of subdivision (a) of Section 53097 of the Government Code, by the city or county in which the school district is located in a city or county ordinance adopted pursuant to Section 53097 of the Government Code.

(b) This section shall remain in effect until January 1, 2002, and as of that date is repealed, unless a later enacted statute, that becomes operative on or before that date, deletes or extends the date on which it is repealed.

SEC. 2. Section 53097 of the Government Code is amended to read:

53097. (a) Notwithstanding any other provisions of this article, the governing board of a school district shall comply with any city or county ordinance (1) regulating drainage improvements and conditions, (2) regulating road improvements and conditions, (3) requiring the review and approval of grading plans as these ordinance provisions relate to the design and construction of onsite improvements that affect drainage, road conditions, or grading, or (4) requiring an agricultural buffer setback for a schoolsite in an area designated as an agricultural use in the general plan if the city or county has consulted with the agricultural commissioner prior to adopting the ordinance, and shall give consideration to the specific requirements and conditions of city or county ordinances relating to the design and construction of offsite improvements.

(b) The governing board of a school district is subject to the requirements of paragraph (4) of subdivision (a) only for project applications filed or amended on or after

1 January 1, 1997, pursuant to the Leroy F. Greene State
2 School Building Lease-Purchase Act of 1976 (Chapter 22
3 (commencing with Section 17700) of Part 10 of the
4 Education Code). *The governing board shall comply with*
5 *the funding priorities established by the State Allocation*
6 *Board in order to receive reimbursement under this*
7 *section.*

8 (c) If a school district elects not to comply with the
9 requirements of city or county ordinances relating to the
10 design and construction of offsite improvements, the city
11 or county shall not be liable for any injuries or for any
12 damage to property caused by the failure of the school
13 district to comply with those ordinances.

14 SEC. 3. Section 53097 is added to the Government
15 Code, to read:

16 53097. Notwithstanding any other provisions of this
17 article, the governing board of a school district shall
18 comply with any city or county ordinance (1) regulating
19 drainage improvements and conditions, (2) regulating
20 road improvements and conditions, or (3) requiring the
21 review and approval of grading plans as these ordinance
22 provisions relate to the design and construction of onsite
23 improvements which affect drainage, road conditions, or
24 grading, and shall give consideration to the specific
25 requirements and conditions of city or county ordinances
26 relating to the design and construction of offsite
27 improvements. If a school district elects not to comply
28 with the requirements of city or county ordinances
29 relating to the design and construction of offsite
30 improvements, the city or county shall not be liable for
31 any injuries or for any damage to property caused by the
32 failure of the school district to comply with those
33 ordinances.

34 SEC. 4. Section 2 of this act shall remain in effect until
35 January 1, 2002, and as of that date is repealed, unless a
36 later enacted statute, that becomes operative on or
37 before that date, deletes or extends the date on which it
38 is repealed. Section 3 of this act shall become operative on
39 January 1, 2002, unless a later enacted statute, that
40 becomes operative on or before January 1, 2002, deletes

1 or extends the date on which Section 2 of this act is
2 repealed, in which case Section 3 shall not become
3 operative.

4 SEC. 5. Notwithstanding Section 17610 of the
5 Government Code, if the Commission on State Mandates
6 determines that this act contains costs mandated by the
7 state, reimbursement to local agencies and school
8 districts for those costs shall be made pursuant to Part 7
9 (commencing with Section 17500) of Division 4 of Title
10 2 of the Government Code. If the statewide cost of the
11 claim for reimbursement does not exceed one million
12 dollars (\$1,000,000), reimbursement shall be made from
13 the State Mandates Claims Fund.

14 Notwithstanding Section 17580 of the Government
15 Code, unless otherwise specified, the provisions of this act
16 shall become operative on the same date that the act
17 takes effect pursuant to the California Constitution.

